THE KARÁCHI PORT TRUST ACT, 1886.

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BOMBAY ACT No. VI of 1886.[1]

[*8th February, 1887.*]

An Act to vest the Port of Karáchi in a Trust.

Whereas it is expedient to vest the port of Karáchi in a trust and to provide for the management of the affairs of the said port by trustees; It is enacted as follows:— Preamble.

I.—Preliminary.

1. This Act may be called the Karáchi Port Trust Act, 1886. Short title.

2. In this Act, unless there be something repugnant in the subject or context,— Definitions.

(1) "port" means the port of Karachi as defined for the purposes of this Act;

(2) "high-water mark" means a line drawn through the highest points reached by ordinary spring-tides at any season of the year;

(3) "low-water mark" means a line drawn through the lowest points reached by ordinary spring-tides at any season of the year;

(4) "land" includes the bed of the sea below high-water mark, and also things attached to the earth or permanently fastened to anything attached to the earth;

(5) "master", when used in relation to any vessel, means any person having for the time being the charge or control of such vessel;

(6) the word "goods" includes wares and merchandise of every description;

(7) "owner", when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale or custody of such goods; and, when

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, Pt. V, p. 42; for Report of the Select Committee, *see ibid*, p. 106; and for Proceedings in Council, *see ibid*, pp. 100 and 190.

used in relation to any vessel, includes any part-owner, charterer, consignee or mortgagee in possession thereof.

Power to define and alter limits of port.

3. Government may, with the approval of the Governor General in Council, by notification in the *Bombay Government Gazette*—

(*a*) define the [1] limits of the port for the purposes of this Act, and

(*b*) from time to time alter such limits.

Such limits may extend to any part of the navigable approaches to the port, and may include any wharves, tramways, warehouses, sheds and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of the port, whether within or without high-water mark, and, subject to any rights of private property therein, any portion of the shore within fifty yards of high-water mark.

II.—Of the Board of Trustees.

Constitution of Board.

Act to be carried out by trustees.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a board to be called "The Trustees of the Port of Karáchi", and such Board, hereinafter referred to as "the Board" shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

Number of trustees.

[2] 5. The Board shall consist of eleven members, of whom not less than two shall be natives of India residing in Karáchi.

Appointment of chairman and vice-chairman.

6. Government shall from time to time appoint a person to be chairman of the Board and may, if they think fit, from time to time appoint a person to be vice-chairman of the Board. Any person so appointed may be a public officer or not.

The chairman and, if any be appointed, the vice-chairman of the Board shall be trustees.

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[1] For notification defining the limits of the Port, *see* Bombay Government Gazette, 1887, Pt. I, p. 244.

[2] This section was substituted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 2, Vol. IV of this Code.

The original section was as follows:—

"5. The Board shall consist of nine members, of whom not less than two shall be natives of India residing in Karáchi."

Nomination of other trustees.

[1] 7. Of the rest of the trustees Government shall appoint the Chief Officer of the North-Western Railway, or such officer of the Railway as the Chief Officer may nominate in his stead, in this behalf, three shall be elected by the members for the time being of the Karáchi Chamber of Commerce, and two shall be elected by the Municipality of Karáchi.

The remaining trustees shall be appointed by Government.

Any trustee elected or appointed under this section may be a public officer or not.

Conduct of elections.

8. The election of trustees by the Karáchi Chamber of Commerce and by the municipal commissioners shall be conducted in such manner as shall from time to time be determined at a meeting of the members of the said Chamber or of the said commissioners, as the case may be, convened in accordance with the rules at the time in force in this behalf. The Secretary to the said Chamber and the President of the Municipality of Karáchi shall, respectively, make a return to the Commissioner of the name of every person so elected.

Nomination by Government in default of election.

In the event of default being made by the Chamber or by the municipal commissioners in electing any trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government to appoint a person, and the person so appointed shall be deemed to be a trustee as if he had been duly elected by the Chamber, or municipal commissioners, as the case may be.

Publication of names of trustees in the official Gazettes.

9. The name of every person appointed by Government to be chairman or vice-chairman of the Board, and the names of all trustees duly elected or appointed to the Board, shall be published in the *Bombay Government Gazette* and in the *Sind Official Gazette*.

10. [*Term of office of first trustees when to commence.*] *Rep. Bom. Act II of 1902, section 4.*

11. * * * * * * * * * * * * * * * * * * * [2]

[2]* * * Every trustee, other than the chairman, shall, unless he becomes in the meantime disqualified, hold office for a term of two years.

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[1] This section was substituted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 3, Vol. IV of this Code.

The original section was as follows:—

"7. Of the rest of the trustees, one shall be the manager, for the time being, of the North-Western Railway, or such officer of the said Railway as the said manager shall from time to time appoint to act for him in this behalf; two shall be elected by the members for the time being of the Karáchi Chamber of Commerce, and two shall be elected by the municipal commissioners of Karáchi from among their own number. The remaining trustees shall be appointed by the Government.

Any trustee elected or appointed under this section may be a public officer or not."

[2] The first two paragraphs of section 11 and the words "In every other case" in the third paragraph before the words "every trustee" were repealed by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act of 1902), s. 4, Vol. IV of this Code.

The chairman shall hold office for a renewable period of five years, unless he becomes in the meantime disqualified for being a trustee, or is removed by Government.

12. [1]* * * * * * * *

Time for holding elections and making appointments.

Elections of trustees by the Chamber and by the municipal commissioners to succeed trustees whose term of office expires shall be held on some day not earlier than the fifteenth and not later than the last day of the month of February next preceding the first day of April from which the term of office of the new trustee is to commence; and appointments of such trustees by Government shall be made on some day in the month of March next preceding the said first day of April.

Filling up of casual vacancies.

13. [2](1) In the event of the death, resignation or disqualification of a trustee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the trustee in whose place he is elected or appointed would have been entitled to hold it if the vacancy had not occurred.

Acting trustees.

[2] (2) If a trustee departs from Karáchi with an intention of being absent for a longer period than three months, or if a trustee shall have been absent from Karáchi for such period, a person shall be elected or appointed as aforesaid to act for such trustee during his absence, or until he shall cease to be a trustee; and the person so acting shall be deemed for all the purposes of this Act to be a trustee.

Saving provision for acting appointment when necessary for less than three months.

[3] (3) Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a shorter period than three months in the place of an absent trustee, on the application of the Board if the absentee be an elective-trustee, or at the discretion of Government if he be a nominee-trustee.

Re-eligibility of trustees.

14. A person who has already been a trustee on one or more occasions shall, if not disqualified under section 15, be again eligible at any time for election or appointment.

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[1] The first paragraph of section 12 was repealed by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 5, Vol. IV of this Code.

[2] These paragraphs were numbered as sub-sections (1) and (2) by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 6, Vol. IV of this Code.

[3] This paragraph was added to section 13 by the Karachi Port Trust Act Amendment Act, 1902 (Bom. Act. 2 of 1902), s. 6, Vol. IV of this Code.

Disqualifications of Trustees.

Disqualifications for office of trustee.

[1] **15.** (1) A person shall be disqualified to be a trustee who—

(*a*) is an uncertificated bankrupt or insolvent; or

(*b*) has been convicted and sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months or to transportation, such conviction not having been subsequently reversed or quashed, and whose disqualification on account of such conviction has not been removed by an order, which Government is hereby empowered to make, if it shall think fit, in this behalf; or

(*c*) holds any office or place of profit under the Board; or

(*d*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the Board.

Proviso.

(2) But a person shall not be so disqualified, or be deemed to have any share or interest in such contract or employment by reason only of his having a share or interest in—

(*a*) any lease, sale, exchange or purchase of immoveable property, or any agreement for the same; or

(*b*) any license by the Board, or right by agreement or otherwise with the Board to the sole or preferential use of any railway sidings or any berth for vessels in the docks, wharves, quays, stages, jetties and piers belonging to the Board; or

(*c*) any agreement for the loan of money, or any security for the payment of money only; or

(*d*) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(*e*) any joint-stock company which shall contract with, or be employed by or on behalf of, the Board; or

(*f*) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades.

Grounds on which trustees shall vacate office.

[2] **15A.** Any trustee who—

(*a*) becomes disqualified for any of the reasons mentioned in the last preceding section; or

[1] This section was sub-tituted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 7, Vol. IV of this Code.

[2] Sections 15A and 15B were inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 8, Vol. IV. of this Code.

(*b*) is absent from the meetings of the Board for a period exceeding twelve consecutive months, or without the permission of the Board from six consecutive ordinary meetings of the Board ; or

(*c*) acts in contravention of the provisions of the next succeeding section ;

shall cease to be a trustee, and his office shall thereupon become vacant.

Restriction on power of trustees to vote or discuss matters in which they are interested.

[1] **15B.** A trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in section 15, or in which he is interested either professionally on behalf of a client or as agent for any person.

Remuneration of Trustees.

Remuneration of chairman and vice-chairman to be fixed by Government. Fees payable to other trustees.

[2] **16.** (1) The chairman and vice-chairman shall respectively receive such remuneration as Government shall from time to time determine.

(2) Every trustee other than the chairman and vice-chairman who shall attend a meeting at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof, shall be entitled to a fee of—

(*a*) thirty rupees for every ordinary meeting of the Board, provided that if such meeting is adjourned or more than one ordinary meeting is held in any one week, no more than thirty rupees shall be paid to any trustee for his attendance at all such meetings during that one week ;

(*b*) thirty rupees for every special meeting of the Board convened under sub-section (2) (*b*) of the next succeeding section ;

(*c*) fifteen rupees for every special meeting of a Committee of which such trustee attending is a member, convened under sub-section (5) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to an ordinary or special meeting of the Board for which he is entitled to a fee under either of the preceding clauses.

(3) The aggregate amount of fees payable to any trustee under the last preceding sub-section in respect of meetings held during any month shall not

[1] Sections 15B and 15A were inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 8, Vol. IV of this Code.

[2] This section was substituted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 9, Vol. IV of this Code.

exceed two hundred rupees, or such sum as may be fixed by any by-law from time to time made in this behalf.

Proceedings of Board.

17. The following provisions shall be observed with respect to the proceedings of the Board (namely) :— Provisions concerning the Board's proceedings.

(1) During any vacancy in the Board the continuing trustees may act as if no vacancy had occurred. Vacancy not to affect Board's proceedings.

(2) The Board shall meet together, and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions (namely):— Board to meet together and arrange for transaction of business.

(*a*) that two ordinary meetings at least shall be held in every month; Two ordinary meetings in each month.

(*b*) that the chairman may, whenever he thinks fit, and shall, upon the written request of not less than three trustees, call a special meeting; Special meetings.

(*c*) that no business shall be transacted at any meeting unless at least four trustees are present from the beginning to the end of such meeting; Quorum.

(*d*) that every meeting shall be presided over by the chairman, if he is present at the time appointed for holding the same and, if he is absent, by the vice-chairman or, in his absence, by such one of the trustees present as may be chosen by the meeting; Meeting to be presided over by the chairman.

(*e*) that all questions shall be decided by a majority of votes of the trustees present, the president having a second or casting vote in all cases of equality of votes; Questions to be decided by a majority of votes.

(*f*) that, if a poll be demanded, the names of the trustees voting and the nature of their votes shall be recorded by the president; Votes to be recorded if a poll is demanded.

(*g*) that minutes shall be kept of the names of the trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed as soon as practicable, by the president of such meeting, and shall be open to inspection by any trustee during office hours. Minutes of proceedings.

(3) The Board may delegate any of their powers to committees, consisting of such trustees as they think fit; any committee so formed shall conform to any instructions that may from time to time be given to them by the Board, Board may delegate powers to committees.

and the Board may at any time discontinue or alter the constitution of any committee so formed.

Committees' meetings to be presided over by a chairman.

(4) A committee may elect a chairman of their meetings, and, if no such chairman is elected, or, if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

Meetings of committees.

(5) Committees may meet and adjourn as they think proper, but the chairman of the Board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee.

Questions how to be decided at committees' meetings.

(6) Questions at any meeting of a committee shall be decided by a majority of votes of the members present, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the committee are present from the beginning to the end thereof.

Acts of Board, etc., not to be invalidated by informalities.

(7) No act of the Board, or of any committee, or of any person acting as trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, committee or trustee, or on the ground that they, or any of them, were disqualified for the office of trustee.

Competency of the Board to lease, sell and transfer.

[1] **18.** (1) The Board shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in, or been acquired by them, and so far as is not inconsistent with the provisions and purposes of this Act, and subject to the restrictions contained in sub-sections (3) and (4), to enter into and perform all such contracts as they may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Subject in certain cases to sanction of Government.

[1] (2) In the case of every lease of immoveable property for a term exceeding twenty-one years and in the case of every sale or other transfer of any such property, the previous sanction of Government is required.

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[1] These sub-sections and sub-sections (3) to (9) on the two succeeding pages were substituted for the first two paragraphs of section 18 by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 10, Vol. IV of this Code.

The first two paragraphs were as follows:—

"The chairman may, on behalf of the Board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract or agreement on behalf of the Board shall be in writing, and shall be signed by the chairman and by two other trustees, and shall be sealed with the common seal of the Board.

No contract or agreement not executed as foresaid shall be binding on the Board."

Approval of Government to estimate when no pressing emergency and expenditure involved exceeds Rs. 3,000.

[1] (3) In the case of every contract which will involve expenditure exceeding three thousand rupees not reported forthwith under section 67 through the Commissioner to Government as required for a pressing emergency, the previous and final approval of Government to an estimate at the time in force, in which provision is included for such expenditure, is required.

Sanction of Board on plan and estimate for new work costing over Rs. 1,000.

[1] (4) In the case of every contract in respect of any new work, the estimated cost of which exceeds one thousand rupees, the sanction of the Board on a plan and estimate submitted to, and considered and approved by, them, is required.

Sanction of Board by resolution requisite in certain cases.

[1] (5) In the case—

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase, of any immoveable property;

(*b*) of every contract which will involve expenditure not covered by a budget grant;

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract;

the sanction of the Board by a resolution passed at a meeting thereof is required.

Sanction of the Board when required to purchase or sale of moveable property.

[1] (6) In the case of a contract for the purchase of moveable property, or for the sale of any moveable property belonging to the Board, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the accounts of the Board, exceeds one thousand rupees, the sanction of the Board is required.

Sanction by chairman and officers empowered.

[1] (7) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of the chairman, or the sanction of the Port Engineer or Manager and Secretary, given in exercise of a power in this behalf conferred by the general or special orders of the Board or by special order of the chairman, is required.

Mode of executing contracts.

[1] (8) Every contract entered into by or on behalf of the Board other than a contract to which sub-section (7) applies, shall be in writing, and shall be signed by the chairman and two other trustees, and shall be sealed with the common seal of the Board.

Every contract to which sub-section (7) applies shall be executed by the chairman, or by such officer mentioned in sub-section (7) as is empowered to sanction such contract, in such manner and form as, according to the law for

[1] These sub-sections and sub-sections (1) and (2) on the preceding page and (9) on p. 378 were substituted for the first two paragraphs of section 18 by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 10, Vol. IV of this Code.

the time being in force, would bind the chairman or officer if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of this section are fulfilled.

[1] (9) No contract shall be binding on the Board in any case referred to in this section unless all such requirements as are specified in sub-sections (2), (3), (4), (5), (6) and (7) in respect of such case are fulfilled, and unless it is executed in accordance with the provisions of sub-section (8) applicable thereto:

Provided that the signatures of the chairman and two other trustees may be engraved, lithographed or impressed by any mechanical process on coupons attached to debentures which the Board is at any time authorized to issue under the [2]Local Authorities Loan Act, 1879, or other law for the time being in force, and the signatures so engraved, lithographed or impressed shall have the same validity as if they were written in the proper handwriting of the chairman and other trustees. XI of 1879.

Board may compound for claims against them.

19. The Board may compound or compromise for or in respect of any claim or demand made against them, for such sum of money, or other compensation, as they shall deem sufficient.

The Chairman and Vice-Chairman.

Duties of chairman, and

20. The chairman shall—

(1) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;

(2) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration and in matters concerning the accounts and records of the Board; and, subject to the regulations at the time being in force framed by the Board under section 22, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(3) furnish to Government a copy of the minutes of any of the Board's proceedings and any returns or other information which Government may from time to time call for.

of vice-chairman.

The vice-chairman shall exercise such of the powers and perform such of the duties of the chairman as the chairman from time to time deputes to him.

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[1] *See* footnote on preceding page.
[2] General Acts, Vol. III, p. 259.

III.—Of the Officers and Servants of the Board.

Strength of Staff.

Schedule of officers and servants and of their pay and allowances to be prepared and sanctioned by the Board.

21. The Board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board sanctions for each such officer or servant.

[1]* * * * * * * * *

Provisos.

Provided—

(1) that artisans, porters and labourers and mukaddams of porters and labourers, and persons temporarily employed in the engineering department, shall not be deemed to be officers or servants within the meaning of this section or of section 22, clauses (1) to (4), both inclusive, or of section 23;

(2) that, if an officer is lent to the Board by Government, the Board shall make such contributions, if any, on account of his pension and leave-allowances as may be required by the rules in this behalf from time to time in force, and shall not, except with the consent of Government, dispense with his further services at any time without giving the Government six months' previous notice;

(3) that every officer and servant, if any, maintained by Government on the [2] [31st March, 1887] at the cost of the provincial revenues for employment in the Karáchi harbour shall, if he is entitled as a Government servant to pension and leave-allowances, be deemed to be lent to the Board on and from the [2][1st April, 1887].

Board to frame regulations—

22. The Board shall from time to time frame regulations—

for regulating leave;

(1) for regulating the grant of leave to the officers and servants of the Board;

for settling absentee allowances;

(2) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

for fixing acting allowances;

(3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

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[1] The two paragraphs following paragraph 1 were repealed by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 11, Vol. IV of this Code.

[2] These words and figures were substituted for the words and figures "day aforesaid" and "date notified by the Governor in Council under section 10", respectively, by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 11, Vol. IV of this Code.

for regulating length of service;

(4) for regulating the period of service of all such officers and servants;

for fixing pensions, etc.;

(5) for determining whether any of the said officers and servants, and, if so, which of them, shall on retirement receive pensions, gratuities or compassionate allowances [1] * * * * * * * * and the conditions under which such pensions, gratuities or compassionate allowances shall be payable and the amount of the same;

for authorizing contributions to provident fund;

(6) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any provident fund which may be established by the Board for the benefit of their officers and servants or which, with their approval, may be established by their officers and servants themselves;

determining conditions of grant of wound pensions or compassionate allowances.

[2] (7) for determining the conditions under which pensions, gratuities or compassionate allowances may be paid to any of such officers and servants injured, or to the surviving relatives of any of such officers and servants killed, in the execution of their duty:

Provided that no regulation framed by the Board under clause (5) [3][or clause (7)] shall have validity unless or until the same has been sanctioned by Government.

Powers of Appointment, etc.

Appointments, etc., by whom to be made.

23. Subject to the provisions of the said regulations and of the schedule for the time being in force framed by the Board under section 21, the power of appointing, promoting, suspending, dismissing for misconduct, fining, reducing or granting leave to the officers and servants of the Board shall be exercised by the chairman in the case of officers and servants whose monthly salary does not exceed one hundred rupees, and in every other case, by the Board.

An appointment so made by the Board shall not be held to be a contract or agreement within the meaning of section 18.

The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity or

[1] The words "and whether compassionate allowances shall be paid to the surviving relatives of any of the said officers and servants who are killed in the execution of their duty, and, if so, to which of them" were repealed by s. 12 (*a*) of the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), Vol. IV of this Code.

[2] Clause 7 was added to section 22 by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 12 (*b*), Vol. IV of this Code.

[3] These words were inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 12 (*c*), Vol. IV of this Code.

compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

Every order of the chairman dismissing for misconduct an officer or servant whose monthly salary exceeds thirty rupees shall be subject to the approval of the Board.

Sanction of Commissioner when necessary.

24. Every order or regulation made by the Board under any of the three last preceding sections shall, so far as the same relates to any officer whose monthly salary is three hundred rupees or more, be subject to the previous sanction of the Commissioner.

IV.—Of the Property and Liabilities of the Board.

General Powers as to Property.

Powers of Board as to property.

25. The Board shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property whether within or without the limits of the port or city of Karáchi.

[1] * * * * * * * * * * *

Procedure to be observed when the Board are unable to acquire, by agreement, any immoveable property.

26. When the Board are unable to acquire, by agreement, any immoveable property required for the purposes of this Act, Government may, in their discretion, order proceedings to be taken for acquiring the same on behalf of the Board, as if such property were land needed for a public purpose within the meaning of the [2] Land Acquisition Act, 1894.

I of 1894.

The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall be forthwith defrayed by the Board and thereupon the said property shall vest in the Board.

Transfer of Government property to the Board.

27. The property specified in Schedule A shall [3] * * * * * * * vest in the Board:

Provided that—

(1) if any question arises between the Government and the Board as to the boundaries of any portion of such property, Government may define and demarcate such boundaries, and the decision of Government in respect to such boundaries, when approved by the Governor General in Council, shall be conclusive;

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[1] The following clauses were repealed by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 13, Vol. IV of this Code :—

"and shall also have power to lease, sell or otherwise convey any moveable or immoveable property which may have become vested in or been acquired by them":

"Provided that no sale of immoveable property and no lease of any such property for a term exceeding twenty-one years shall be valid, unless such sale or lease shall have been made with the previous sanction of Government."

[2] *See* reprint of the Act with footnotes brought down to 1st August, 1903.

[3] The words and figures "upon and after the date notified by Government under section 10" were repealed by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 14, Vol. IV of this Code.

(2) any portion of the land specified in the said schedule which shall be required by Government for a public purpose may be resumed by Government, with the approval of the Governor General in Council, without claim to compensation on the part of the Board, except for buildings or other permanent structures erected thereon;

(3) the railway now under construction between the Bandar station and the Keamari station may be constructed by Government along the foreshore or on reclaimed land, and any other work which the Governor General in Council may consider necessary in the public interests may be executed by Government in or upon any of the property specified in the said schedule, without claim to compensation on the part of the Board except for building or other permanent structures which it shall be necessary to clear away for the purposes of such railway or work.

Transfer to the Board of the Karáchi Harbour Board's liabilities and claims.

28. The loans specified in Schedule B, which have been contracted by the Karáchi Harbour Board and have not yet been discharged, and all other debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Karáchi Harbour Board, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board;

and all sums of money due to the said Karáchi Harbour Board shall be deemed to be due to the Board;

and all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted, by or against the said Karáchi Harbour Board, may be continued or instituted by or against the Board.

Special provisions as to liabilities of the Board to the Municipality.

[1] 28A. (1) The Board shall pay annually on the 30th day of September to the Municipality of Karáchi, in lieu of any tax imposed under clause (*i*) of section 59 of the [2] Bombay District Municipal Act, 1901, and leviable from the Board by the said Municipality in respect of the property or of some portion of the property vested in the Board which would otherwise be liable to be assessed to the said tax, a sum ascertained in the manner provided in sub-sections (2), (3), (4) and (5). Bom. III of 1901.

(2) The Board shall, within three months from the passing of this Act, furnish the Municipality with a complete list of all lands and buildings vested in or in the charge of the Board, and the Municipality shall thereupon fix the

[1] Section 28A was inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 15, Vol. IV of this Code.
[2] Vol. IV of this Code.

rateable value of those lands and buildings entered therein, in respect of which the said tax would otherwise be primarily leviable from the Board under section 68 of the [1] Bombay District Municipal Act, 1901.

Bom. III of 1901.

The said value shall be estimated by the Municipality with a general regard to the rules of the Municipality for the time being in force under the [1] Bombay District Municipal Act, 1901, concerning the valuation of property assessable to the said tax, at such amount as the Municipality shall deem to be fair and reasonable. The Municipality shall transmit the said valuation to the Board within two months after the receipt of the aforesaid list of property, and shall consider any objections whatsoever which the Board, within one month of the receipt thereof, may make to the said valuation, and the Municipality, if they deem the objections (if any) of the Board valid, shall modify their estimate accordingly.

Bom. III of 1901.

(3) If within seven months of the passing of this Act the Board and the Municipality shall be unable to agree with regard to the estimate or any portion of the estimate of the rateable value of the aforesaid property, the Board shall, within seven days of the expiry of this period, submit to the Commissioner in Sind their objections to the valuation made by the Municipality. And the Commissioner may call on the Board and the Municipality each to appoint a delegate to aid him in making the said valuation, and the Board and the Municipality shall each appoint a delegate accordingly.

The Commissioner shall not be bound by the opinions of the delegates and his decision shall be final.

(4) Every decision as to such rateable value, whether arrived at under sub-section (2) or sub-section (3), shall hold good for five years, but shall, if in the meantime the number or extent of the buildings or lands vesting in or in the charge of the Board materially increases or decreases, be varied proportionally, and shall, in the manner hereinbefore prescribed, so far as the same may be applicable, be revised from time to time for the purpose of such proportional variation, and be altogether revised in the fifth year and every fifth year following.

(5) The sum to be paid annually to the Municipality by the Board in lieu of a tax imposed under clause (*i*) of section 59 of the [1] Bombay District Municipal Act, 1901, shall be nineteen-twentieths of the amount which would be payable by an ordinary owner of buildings or lands in the city, under the rules of the Municipality concerning the levy of such tax, on a

Bom. III of 1901.

[1] Vol. IV of this Code.

rateable value of the same amount as that fixed under sub-section (*2*) or sub-section (*3*).

(6) If the Municipality, in lieu of imposing separately a tax under clause (*i*) of section 59 of the [1] Bombay District Municipal Act, 1901, impose a consolidated tax under proviso (*c*) of the said section, such proportion of the consolidated tax as the Board and the Municipality by agreement determine, or in the event of their being unable, within six months of the imposition of such consolidated tax, to agree, then such proportion thereof as the Commissioner determines in this behalf shall for the purposes of this section be deemed to be a tax imposed under clause (*i*) of section 59 of the [1] Bombay District Municipal Act, 1901, and all the foregoing provisions of this section shall thereupon apply thereto. Bom. III of 1901. Bom. III of 1901.

(7) Notwithstanding anything contained in this section or in the [1] Bombay District Municipal Act, 1901, or in any rules or by-laws of the Municipality thereunder, all the terms of the agreement set forth in Schedule D shall, as between the Board and the Municipality, have the same force and effect as if they were contained in this Act or in the [1] Bombay District Municipal Act, 1901, and all sums which are or may become by virtue of that agreement payable by the Board to the Municipality in respect of water supplied or to be supplied thereunder shall be in lieu of any water-rate which might otherwise be imposed and leviable in respect of such supply : Bom. III of 1901. Bom. III of 1901.

Provided—

(*a*) that the Board and the Municipality may, with the sanction of the Commissioner, from time to time vary or add to the terms of the said agreement, and that every variation or addition so sanctioned shall be published in the *Sind Official Gazette*, and shall thereupon have the same force and effect as if it were contained in the schedule hereto ; and

(*b*) that in case of any difference of opinion arising between the Board and the Municipality with reference to the construction of the said agreement, the question shall be referred to the Commissioner, whose decision thereupon shall be final.

(8) Except as hereinbefore in this section provided, nothing shall affect the liability of the Port Trust property to any tax which may be lawfully imposed within the Municipal district.

[1] Vol. IV of this Code.

V.—Of the Powers and Duties of the Board.

Works.

Works to be constructed.

29. The works to be constructed and carried out by the Board may include the following:—

(1) wharves, quays, stages, jetties, piers and docks, with all necessary and convenient arches, drains, landing-places, stairs, fences, roads, railways and approaches ;

(2) tramways, warehouses, sheds, engines, and other appliances for conveying, receiving and storing goods landed, or to be shipped, or otherwise ;

(3) light-houses, light-ships, beacons, pilot-boats, and other appliances necessary for the safe navigation of the port and of the approaches thereto within a distance of three miles from the limits of the port ;

[1][and with the sanction of Government as to the funds to be contributed by the Board for the purpose, light-houses beyond the said distance at the mouths of the Indus and at Cape Monze or the maintenance and lighting thereof];

(4) laying down moorings, and the erection of cranes, scales and all means and appliances necessary for berthing, loading and unloading vessels ;

(5) reclaiming, excavating, enclosing and raising any part of the foreshore of the port vested in the Board ;

(6) the construction, procuring and application of dredges and other machines for cleaning, deepening and improving any portion of the port or foreshore aforesaid ;

(7) procuring and employing steam-vessels for towing vessels into, out of or within the port ;

(8) the construction of such works, without the limits of the port, as shall be necessary for the protection of works executed by the Board within the port, and all such other works and appliances as may, in the opinion of the Board, be necessary or desirable for carrying out the purposes of this Act ;

[2](9) the extinguishing of fires on the property of the Board, and the equipment, maintenance and use of engines for that purpose ;

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[1] These words were inserted in clause 3 of section 29 by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 16 (*1*), Vol. IV of this Code.

[2] Clauses (9), (10), (11) and (12) were inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 16 (*2*), Vol. IV of this Code.

[1](10) the equipment of vessels, steam tugs or other boats and their use as well within the limits of the port as on the high seas beyond those limits, and whether in territorial waters or otherwise for the purpose of towing or rendering assistance to any vessel whether entering or leaving the Port, or bound elsewhere and for the purpose of saving or protecting life or property ;

[1](11) the supply of water to shipping in the port, and the equipment maintenance and use of boats and barges for that purpose ;

[1](12) the extinguishing of fires in the port, and the equipment, maintenance and use of engines for that purpose :

But no new work to be commenced without a plan and estimate if its cost shall exceed Rs. 1,000 ; nor without the sanction of Government to such plan and estimate if the cost shall exceed Rs. 50,000.

Provided always that no new work, the estimated cost of which exceeds one thousand rupees, shall be commenced by the Board [2]* * * * * * * * * until a plan and estimate of such work shall have been submitted to the Board and considered and approved by them ; nor shall any new work, the estimated cost of which exceeds fifty thousand rupees, be commenced until such plan and estimate shall have been submitted to, and approved by, Government.

Free landing-places to be provided.

30. The Board shall provide such number of public landing-places as shall, in the opinion of the Commissioner, be sufficient, from and upon which the public shall be permitted to embark and to land free of charge.

Removal of bathing and landing-places.

31. The Board may occupy or remove or alter any bathing-place or landing-place within the port, and prohibit the public from resorting to or using the same : Provided that the Board shall provide for the use of the public such other bathing-places or landing-places, if any, as the Commissioner may direct.

Landing and Shipping of Goods.

Appliances for shipping, etc., for seagoing vessels.

32. The Board shall, so far as the funds at their disposal will allow, provide and maintain wharves, quays, stages, jetties, piers, warehouses, sheds and appliances for the expeditious and convenient shipment and landing of goods in and from seagoing vessels within the port and for the storing of

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[1] Clauses (9), (10), (11) and (12) were inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 16(2), Vol. IV of this Code.

[2] The words " nor shall any contract be entered into by the Board in respect of any such new work" were repealed by s. 16 of the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), Vol. IV of this Code.

such goods, and shall by their servants land and ship all goods from and in any such vessel coming to any such wharf, quay, stage, jetty or pier, except where there is a lawful excuse for refusing to land or ship such goods, or such vessel is, under any enactment for the time being in force, not entitled to have her cargo shipped or discharged:

Provided that—

(1) the Board shall not be bound to land, ship or move any single article or package exceeding ten tons or twenty hundredweight in weight, except at such special charge as may be agreed on in respect of such article or package;

(2) the Board may, by special agreement with the masters of vessels or the owners of goods, permit goods to be landed and shipped by others than the servants of the Board; but every such permission shall be subject to the condition that the means to be employed and the appliances to be used by the said masters or owners for landing or shipping goods shall be subject to the approval of the Board, whose duty it shall be to satisfy themselves that the said means and appliances are at all times such and in such condition as not to endanger the lives or safety of the persons employed.

Seagoing vessels compelled to use wharves, etc.

33. When any wharf, quay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances for landing or for shipping goods from and in seagoing vessels, the Board may, with the previous sanction of the Commissioner, by a [1]notification published in three consecutive numbers of the *Sind Official Gazette*, declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping, or for landing or for shipping, as the case may be, goods from and in seagoing vessels.

From and after such publication, the Board may from time to time, when there is room at such wharf, quay, stage, jetty or pier, order to come alongside of such wharf, quay, stage, jetty or pier, for the purpose of landing and shipping goods, or for landing or for shipping the same, as the case may be, any seagoing vessel within the port which has not commenced to discharge cargo, or which, being about to take in cargo, has not commenced to do so. In making such order the Board shall have regard, as far as possible, to the convenience of such vessel, and of the shippers, in respect of the use of any particular wharf, quay, stage, jetty or pier.

[1] *See* list prefixed to the Bombay Local Rules and Orders, Vol. II, Ed. 1898, pp. cclxx and cclxxi.

If accommodation sufficient, all seagoing vessels compelled to use wharves, etc.

34. When a sufficient number of wharves, quays, stages, jetties, piers, warehouses, sheds and appliances have been provided as aforesaid, the Board may, with the previous sanction of the Commissioner, by an order published in three consecutive numbers of the *Sind Official Gazette*, direct that no goods shall be landed or shipped from or in any seagoing vessel within the port save at such wharves, quays, stages, jetties and piers, and may, in like manner, alter, vary or revoke any such order: Provided that it shall be competent to the Board at any time to exempt any specified vessel from the operation of any order made under this section.

Power to order vessels not to come alongside of, or to be removed from, wharves, etc.

35. [An officer appointed by the Board in this behalf] [1] may, in cases of emergency, or for any reason which appears to [1] [him] sufficient, by notice in writing, order the master or owner of any vessel not to bring such vessel alongside of, or to remove such vessel from, any wharf, quay, stage, jetty or pier belonging to the Board, and, if such notice is not obeyed, the Board may charge in respect of such vessel such sum as they think fit, not exceeding [1] [five hundred] rupees for each day of twenty-four hours, or portion of such day, during which such vessel remains at such wharf, quay, stage, jetty or pier:

Provided that, in the case of a vessel ordered to be removed, such charge shall not commence to be made till after the expiry of [1] [twelve hours from the service of such notice as aforesaid] on the master or owner of the vessel.

Power to Commissioner to exempt from obligation to use wharves, etc.; and

36. Notwithstanding anything contained in sections 33 and 34, the Commissioner may, by notification in the *Sind Official Gazette*, from time to time permit certain specified vessels or classes of vessels to discharge or ship cargo, or certain specified cargo or classes of cargo, at such part of the port in such manner, during such period, subject to such payments and on such conditions as he may think fit, and otherwise grant exemption from the provisions of such sections.

The Commissioner may also, by like notification, cancel or modify any such notification.

to require preference to be given to Government vessels.

The Commissioner may also at any time require that any vessel belonging to or in the service of Her Majesty or the Government of India shall be permitted to come alongside of any wharf, quay, stage, jetty or pier belonging to the Board in preference to all other vessels at the time in port: and it shall be incumbent on the Board to give effect to any such requisition.

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[1] These words in section 35 were substituted for the words "the Board," "them," "one hundred," and "thirty-six hours from the service of the Board's notice," respectively, by s. 17 of the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act. 2 of 1902), Vol. IV of this Code.

Discharge of liability on goods landed.

37. Whenever any goods are landed by the Board from any vessel, the Board shall, if so required, give to the master of such vessel a receipt in the form or to the effect set forth in Schedule C, and may in any such receipt include all goods landed from such vessel during one day.

No master or owner of a vessel from which the goods in respect of which such receipt is given may have been landed shall be liable for any loss or damage to such goods which may occur after they have been so landed.

Customs-wharves, etc.

Accommodation to be provided for customs-officers, in wharves, etc., appointed under Sea-Customs Act.

38. When Government appoint, under the provisions of any Act for the levy of sea-customs duties, any wharf, quay, stage, jetty, pier, warehouse or shed provided under this Act for the use of seagoing vessels to be a wharf for the landing or shipping, or a warehouse for the storing of goods within the meaning of such Act, the Board shall set apart, maintain and secure on or in such wharf, quay, stage, jetty, pier, warehouse or shed such portion thereof or place therein, or adjoining thereto, for the use of the officers of customs as the Commissioner approves or appoints in that behalf.

Dues at customs-wharves, etc.

39. Notwithstanding that any wharf, quay, stage, jetty, pier, warehouse or shed or portion thereof has, under the provisions of the last section, been set apart for the use of the officers of customs, all dues, rates, tolls, charges and rents payable under this Act in respect thereof, or for the use thereof, or for the storage of goods therein, shall be paid and be payable to the Board or to such persons as they may appoint to receive the same.

Erection of Wharves, etc., by private persons.

Private wharves, etc., prohibited.

40. Save as hereinafter provided, no person except the Board shall make, erect or fix below high-water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring.

Any matter or thing so made, erected or fixed may be removed by the Board, and the person who has so made, erected or fixed any such matter or thing shall be punished with fine, which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day during which such matter or thing has been permitted to remain so made, erected or fixed after notice to remove the same has been given to him, and shall also be liable to pay all expenses which may have been incurred by the Board in removing such matter or thing.

Power to permit erection of

41. The Board may, by an order in writing and subject to the conditions contained in the same, permit any person to make, erect or fix below high-

private wharves, etc., within the port subject to conditions.

water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring.

Wharves, etc., beyond port limits.

42. In case any wharf, dock, quay, stage, jetty, pier, erection or mooring is after the date on which this Act comes into force, without the written consent of Government, made, erected or fixed below high-water mark without the limits for the time being of the port, and thereafter the limits of the port are extended so as to include the place in which such wharf, dock, quay, stage, jetty, pier, erection or mooring has been made, erected or fixed, the Board may remove, fill up or destroy such wharf, dock, quay, stage, jetty, pier, erection or mooring without making any compensation therefor.

Scale of tolls and charges to be framed.

43. The Board shall frame and may from time to time alter—

(*a*) a scale [1] of tolls, dues, rates and charges for the landing and shipment of goods at the wharves, quays, stages, jetties, and piers, and for the use of such wharves, quays, stages, jetties and piers, and for the storing and keeping of any goods stored in any premises belonging to the Board, and for the removal of goods and for the use of any mooring;

(*b*) a scale of tolls for the use of the said wharves, quays, moorings, stages, jetties and piers, in case the Board permit the goods to be landed or shipped by others than their own servants; and

(*c*) a scale of charges for any services to be performed by the Board or their servants in respect of any vessel or goods, or for the use of any works or appliances to be provided by the Board.

[2] * * * * * * * * * * * *

Scale of charges for use of dock, etc.

[3] **43A.** The Board may also frame, and from time to time alter, a [1] scale of charges to be levied—

(*a*) for the permission to use, and for the use of, any dock in the possession of the Board and for services which the Board renders to, and for gear, tackle, tools, instruments, utensils, staging or materials supplied by the Board for the purpose of, any vessel using or any person working in, any such dock;

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[1] *See* list prefixed to the Bombay List of Local Rules and Orders, Vol. II, Ed. 1898, pp. cccxxi and cclxxii.

[2] The last two paragraphs of section 43 were repealed by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 18, Vol. IV of this Code.

[3] Sections 43A and 43B were inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 19, Vol. IV of this Code.

(*b*) subject to the provisions of section 29, for the use of water-boats, barges and fire-engines belonging to or maintained by the Board, and for water supplied by the Board in accordance with the provisions of section 29 ; and

(*c*) for the towing of, and rendering assistance of the nature referred to in clause (10) of section 29, to vessels outside the limits of the port.

Scales framed under last two sections to be submitted to Government for sanction.

[1] **43B.** Every scale framed and every alteration of a scale made by the Board under either of the last two sections preceding shall be submitted to Government for sanction ; and, when so sanctioned and published in the *Sind Official Gazette,* shall have the force of law.

Tolls and charges may be remitted in special cases.

44. The Board may, in special cases, with the previous sanction of [2] [the Commissioner], remit the whole or any portion of any toll, due, rate or charge leviable [3][according to any scale for the time being in force] under the last preceding section.

45. [*Tolls on troops*] *Rep. Bom. Act II of 1902.*

Board's lien for tolls and charges.

46. For the amount of all tolls, dues, rates and charges leviable under this Act in respect of any goods, the Board shall have a lien on such goods, and shall be entitled to seize and detain the same until such tolls, dues, rates and charges are fully paid.

Tolls, dues, rates and charges in respect of goods to be landed shall become payable immediately on the landing of the goods, and, in respect of goods to be removed from the premises of the Board or to be shipped for export, shall be payable before the goods are removed or shipped.

The lien for such tolls, dues, rates and charges shall have priority over all other liens and claims, except a lien for freight, primage and general average, where such lien has been preserved in the manner hereinafter provided, and a lien for money payable to Her Majesty or the Secretary of State for India in Council under any law for the time being in force.

Owner's lien for freight.

47. If the master or owner of any vessel, at or before the time of landing from such vessel of any goods at any wharf, quay, stage, jetty or pier gives to the Board notice in writing that such goods are to remain subject to a lien for freight, primage or general average of an amount to be mentioned

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[1] Sections 43A and 43B were inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 19, Vol. IV of this Code.

[2] The words " the Commissioner " were substituted for the word " Government " by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 20, Vol. IV of this Code.

[3] These words were inserted in section 44 by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 20, Vol. IV of this Code.

in such notice, such goods shall continue liable, after the landing thereof, to such lien.

Such goods shall be retained either in the warehouses and sheds of the Board, or, with the consent of the Chief Officer of Customs, in a public warehouse, at the risk and expense of the owner of the said goods, until the lien is discharged as hereinafter mentioned.

Discharge of ship-owner's lien for freight.

48. Upon the production to any officer appointed by the Board in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by or on whose behalf such notice has been given, the Board may permit such goods to be removed without regard to such lien: Provided they shall have used reasonable care in respect to the authenticity of such document.

Goods may be removed to warehouse.

49. Whenever goods which have been landed have, without any default on the part of the Board, been left for five clear days on or in any wharf or shed belonging to the Board, the Board may cause such goods to be removed either to any warehouse belonging to them, or, with the consent of the Chief Officer of Customs, to a public warehouse; and the removal to and detention in any such warehouse shall be at the risk and expense of the owner of the said goods.

Whenever any goods are so removed, the Board shall give notice of such removal to the consignee of such goods or to his agent, if any, if such consignee's or agent's address be known, by letter sent by post to such address or left thereat; and shall also publish in the *Sind Official Gazette*[1]* * * * * notice of such removal, and shall specify therein the numbers, marks and descriptions of such goods so far as the same appear; and the consignee of such goods, in addition to the expenses of the removal of the same, shall be liable, in case the goods are removed to any warehouse of the Board, to a charge for warehousing for the time during which the goods shall remain in the said warehouse.

If the goods are removed to a public warehouse, the said consignee shall be liable to the charges for warehousing goods in such public warehouse; and the said goods shall remain subject to all liens to which they would have been liable if they had remained in the possession of the Board, and shall be subject to the power of sale hereinafter given.

Recovery of tolls and charges by

50. If the tolls, dues, rates and charges payable to the Board under this Act in respect of any goods which have been landed are not paid, or if the

[1]The words "and in two local papers" were repealed by s. 21 of the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), Vol. IV of this Code.

lien for freight, primage or general average, where such notice as aforesaid has been given, is not discharged, the Board may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, primage or general average, shall, at the expiration of four months from the time when the goods were placed in their custody, sell by public auction the said goods, or so much thereof as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale. sale of goods.

Before making such sale at least ten days' notice of the same shall be given by publication thereof in the *Sind Official Gazette* and in two local newspapers.

If the address of the consignee of the goods or of his agent has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Board, or is otherwise known, notice shall also be given to the consignee of the goods or to his agent by letter delivered at such address or sent by post; but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be bound to enquire whether such notice has been sent:

Provided that, if such goods are of so perishable a nature as, in the opinion of the officer appointed by the Board in that behalf, to render early or immediate sale necessary or advisable, the Board may, within such period, being not less than twenty-four hours after the landing of the goods, as they think fit, sell by public auction the said goods or such portion of them as aforesaid, in which event such notice, if any, shall be given to the consignee of the goods or his agent as the urgency of the case admits of.

51. The proceeds of every such sale shall be applied as follows :— Application of sale-proceeds.

(*a*) in payment of the expenses of the sale;

(*b*) in payment, according to their respective priorities, of the liens and claims excepted in section 46 from the priority of the lien of the Board;

(*c*) in payment of the tolls, dues, rates and charges of landing, removing, storing or warehousing the same, and of all other charges due to the Board in respect thereof.

The surplus, if any, shall be paid to the importer or owner of the goods, or to his agent, on his applying for the same: Provided such application be made within one year from the sale, or reason be shown to the satisfaction of the Board why such application was not so made, and, in case such

application shall not be so made nor reason shown, such surplus shall be held by the Board upon trust for the purposes of this Act.

Power to distrain vessels for the non-payment of rates, etc.

52. If the master of any vessel in respect of which any tolls, dues, rates, charges or penalties shall be payable under this Act, or any by-laws made in pursuance hereof, refuses or neglects to pay the same, or any part thereof, on demand, it shall be lawful for the Board to distrain or arrest of their own authority such vessel, and the tackle, apparel or furniture belonging thereto, or any part thereof, and detain the same until the amount so due shall be paid.

And, in case any part of the said rates or penalties, or of the costs of the distress or arrest or of the keeping of the same, shall remain unpaid for the space of fifteen days next after any such distress or arrest shall have been so made, the Board may cause the vessel, or other thing so distrained or arrested, to be sold, and with the proceeds of such sale may satisfy such tolls, dues, rates, charges or penalties and costs of sale remaining unpaid, rendering the surplus, if any, to the master of such vessel on demand.

Port-clearance not to be granted till rates, etc., paid.

53. If the Board shall give to the officer of Government, whose duty it is to grant the port-clearance of any vessel, a notice stating that an amount therein specified is due in respect of tolls, dues, rates, charges or penalties chargeable under this Act, or any by-laws or orders made in pursuance hereof, against such vessel or the owner or master of such vessel, in respect thereof, such officer shall not grant such port-clearance until the amount so chargeable shall have been paid.

Alternative remedy by suit.

[1] **53A.** Notwithstanding anything contained in the eight sections last preceding and in section 77, the Board may recover by suit any tolls, dues, rents, rates, charges, damages, expenses, costs, or in case of sale the balance thereof, when the proceeds of sale are insufficient, or any penalties or fines payable to or recoverable by the Board under this Act or under any by-laws made in pursuance thereof.

Surplus of port-dues to be paid to Board.

54. The surplus, if any, of the moneys credited under section 36 of the [2]Indian Ports Act, 1889, to the account of the Port Fund of Karáchi, after defraying therefrom all expenses legally chargeable to the said account, shall be paid to the Board. X of 1889

Control of Pilots.

Trustees to be vested with the

55. The Board shall have the right and privilege of maintaining pilots for the navigation of vessels at the port, and shall be bound to provide a

[1] Section 53A was inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 2, Vol. IV of this Code.

[2] *See* the reprint of the Act, as modified up to 1st April, 1901.

sufficient number of pilots for that purpose, and all fees for pilotage shall be paid to the Board: Provided that no person shall be appointed to be a pilot by the Board who is not for the time being authorized by Government, under the provisions of the [1]Indian Ports Act, 1889, to pilot vessels. right and privilege of maintaining pilots.

X of 1889.

The Board may also, from time to time, make such [2]by-laws and regulations as they shall think fit—

(*a*) for fixing and regulating the wages and allowances for pilotage to be received by pilots, and

(*b*) for regulating the behaviour and conduct of pilots [3][whether maintained by the Board or not];

and shall enforce the observance of such by-laws and regulations by the imposition of pecuniary penalties not exceeding two hundred rupees for each offence, or by suspension, or deprivation of appointment, or otherwise as to them may appear expedient: Provided that such by-laws shall first have been approved by Government, and published in the manner directed by section 57.

By-laws.

56. The Board may from time to time make [2]by-laws, consistent with this Act and with the [1]Indian Ports Act, 1889— Trustees empowered to make by-laws.

X of 1889.

(*a*) for regulating, declaring and defining the wharves, quays, stages, jetties and piers on and from which goods shall be landed from and shipped in vessels within the port;

(*b*) for the safe and convenient use of such wharves, quays, stages, jetties, piers and of landing places, tramways, warehouses, sheds and other works in and adjoining the same;

(*c*) for regulating the reception and removal of goods within and from the premises of the Board, and for declaring the procedure to be followed in taking charge of goods which may have been damaged before landing or may be alleged to be so damaged;

(*d*) for settling the mode of payment of tolls, charges, dues and rates levied under this Act;

(*e*) for providing water for ships and for licensing and regulating water-boats within the port;

(*f*) for the removal of wrecks from the port and keeping clean the port,

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1 *See* the reprint of the Act, as modified up to 1st April, 1901.

2 *See* list prefixed to the Bombay Local Rules and Orders, Vol. II, Ed. 1898, p. cclxxii.

3 These words were inserted by s. 23 of the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), Vol. IV of this Code.

the foreshore and the works of the Board, and for preventing filth or rubbish being thrown therein or thereon;

(*g*) for the guidance of persons employed by them under this Act, and generally for carrying out the purposes of this Act.

The Board may also from time to time alter or revoke any by-laws so made by them.

Approval and publication of by-laws.

57. No by-law, or alteration or revocation of a by-law, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Bombay Government Gazette* and in the *Sind Official Gazette*; and no by-law or alteration or revocation of a by-law shall be approved by Government until a draft of the same and a notice specifying a date at or after which the draft will be submitted to Government shall have been published in the *Sind Official Gazette* and, in such other manner as Government from time to time prescribe, nor unless the said draft shall have been submitted for their approval through the Commissioner.

Cancelment by Government.

It shall be lawful for Government at any time, by notification in the *Bombay Government Gazette* and in the *Sind Official Gazette*, to cancel any by-law or regulation made and published under the provisions of this and of the two last preceding sections.

Penalties for infringement of by-laws.

58. The Board may, in the by-laws made under section 56, prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a by-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

By-laws and scales of rates and charges to be exhibited.

59. The Board shall cause the said by-laws, and every scale of tolls, dues, rates and charges leviable by the Board, to be printed in the English, Gujaráti and Sindhi languages, and to be kept hung up in some conspicuous place at each of the several wharves, quays, stages, jetties, piers, warehouses and sheds belonging to the Board.

VI.—Of Revenue and Expenditure.

Management of Funds.

Moneys where to be kept.

60. All moneys raised by or paid to the Board under this Act shall be kept in the bank which is at the time appointed to conduct the business of Her Majesty's Treasury at Karáchi.

No disbursement of such moneys or any part thereof shall be made, except upon a cheque signed by the chairman or vice-chairman and one other trustee. How the funds are to be drawn against.

Payment of any sum in excess of five hundred rupees, if it relate to the Port Engineer's department, or of one hundred rupees if it relate to any other department, shall be made by the Board by means of a cheque signed as aforesaid and not in any other way.

Payments of sums not exceeding five hundred rupees each may be made on behalf of the Board by the Port Engineer on account of any charge in his department, in cash, cheques for sums not in excess of five thousand rupees each, signed as aforesaid, being drawn from time to time in favour of the Port Engineer to cover such payments.

In every department other than that of the Port Engineer, sums not exceeding one hundred rupees each may be paid, by such officer as the Board appoints for this purpose, in cash, cheques for sums not in excess of five hundred rupees each, signed as aforesaid, being drawn from time to time in favour of such officer, to cover such payments.

61. The moneys belonging to the Board shall be held by them in trust, and, except as is hereinafter provided, shall be applied by them in payment of the following charges (namely) :— Moneys on what purposes to be expended.

(1) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the trustees and to the officers and servants appointed under this Act or lent to the Board by Government, and the contributions, if any, payable to Government on account of the pension and leave-allowances of any officer lent to the Board by Government, and the contributions, if any, duly authorized to be made to any provident fund established by the officers and servants appointed under this Act;

(2) the cost of repairs and maintenance of the property vested in the Board, and all charges upon the same and all working expenses;

[1](3) such sums as Government may from time to time require the Board to contribute on account of expenses in connection with the harbour-police and police employed in guarding the docks, warehouses and other property of the Board, and on account of medical services

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[1] This clause was substituted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 24 (*1*), Vol. IV of this Code.

The original clause was as follows:—

"Such sum as Government may from time to time require for the establishment and maintenance of police for the protection of the port and of the approaches thereto."

supplied in the port, in lieu of or in addition to any expenditure which Government may direct to be made from the funds or hospital port-dues, the control or application of which is by sections 36 and 50 of the [1] Indian Ports Act, 1889, vested in Government; X of 1889.

(4) the interest and instalments of capital due in respect of any loan that may have been raised by the Board or for which it is liable;

(5) any charges for which the Board may be liable under section 79 or section 80;

(6) the cost, or such portion of the cost, of any new work, plant, vessel or appliance which the Board may determine to charge to revenue;

[2](6) (*a*) the payment of pensions, gratuities and compassionate allowances granted by the Board to officers and servants of the Board injured, or to the surviving relatives of such officers and servants killed, in the execution of their duty;

(7) any other charge which may be specially sanctioned by [3] [the Commissioner] on the application of the Board, or for which the Board may be legally liable.

Annual Estimates.

Chairman to submit annual estimate of income and expenditure to Board.

62. The chairman shall, at a special meeting to be held in the month of January in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing, in such detail and form as the Board shall from time to time direct.

Such estimate shall be completed and printed, and a copy thereof sent by post, or otherwise, to each trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

Board to revise and sanction the estimate.

63. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered or subject to such alterations as they shall think fit.

Estimate to be submitted to Government.

64. The estimate, as sanctioned by the Board, shall be submitted, through the Commissioner, to the Government, which may, if it thinks fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall,

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[1] *See* the reprint of the Act as modified up to 1st April, 1901.

[2] Clause 6 (*a*) was inserted in section 61 by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 24 (2), Vol. IV of this Code.

[3] The words "the Commissioner" were substituted for the word "Government" by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 24 (*3*), Vol. IV of this Code.

if the estimate is so returned by Government, forthwith proceed to amend the same, and shall resubmit the estimate so amended, through the Commissioner, to the Government.

List of works to accompany estimate.

65. Together with the said estimate, the Board shall submit, through the Commissioner, to the Government, a list of the works which the Board propose to execute during the year to which the estimate relates, showing the order in which the said works are to be executed and the date within which each of them will probably be completed or, in the case of any work which will not be completed within the year, the progress intended to be made therewith during the said year.

Supplementary estimates may be made when necessary.

66. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board, and submitted to the Government in the same manner as if it were an original annual estimate.

Circumstances under which any sum exceeding Rs. 3,000 not included in an estimate may be expended.

67. * * * * * * *[1].

[2][If any sum exceeding three thousand rupees in amount, not being included in any estimate at the time being in force which has been finally approved by Government, is] expended on a pressing emergency, the circumstances shall be forthwith reported by the chairman, through the Commissioner, to Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

Audit of Accounts.

Accounts to be audited and examined.

68. The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before Government, and shall be audited and examined in such manner and by such auditor or auditors as shall, from time to time, be appointed by Government.

Auditors to have power to call for books, etc.

For the purposes of such audit and examination, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers to appear

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[1] The first paragraph of section 67 was repealed by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 25, Vol. IV of this Code.

The first paragraph was as follows :—

"Save in cases of pressing emergency, no sum exceeding."

[2] These words were substituted for the words "If any sum exceeding three thousand rupees in amount is so" by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 5, Vol IV of this Code.

before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

Their remuneration to be fixed by Government. Their report to be published.

The auditors shall be paid by the Board such remuneration as Government shall determine; and, within fourteen days after the audit and examination of the accounts for any half-year shall have been completed, the auditors shall forward a report upon the accounts for such half-year to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the *Bombay Government Gazette* and in the *Sind Official Gazette*.

Disposal of Balances.

Balances may be invested by the Board in public securities.

69. The Board may invest any balance remaining on the thirty-first day of March of each year in public securities, and may from time to time sell the said securities, and either re-invest the proceeds in other such securities or credit the same to the general funds of the Board.

Amounts which may be so invested to be limited by Government.

But the money so invested by the Board shall not exceed such amount annually, or in the aggregate, as shall from time to time be prescribed by Government.

[1] In this section the words "public securities" mean:

(*a*) promissory notes, debentures, stock or other securities of the Government of India;

(*b*) debentures or other securities for money issued by, or on behalf of,—

(i) any Municipal body or any Port Trust under the authority of any Act of a Legislature established in British India or the Karáchi Harbour Board or by the Board;

(ii) the City of Bombay Improvement Trust under the authority of the [2] City of Bombay Improvement Act, 1898. Bom. IV of 1898.

Investment of balances in debentures issued by the Board.

[3] **69A.** (1) In respect of any balance which the Board are empowered to invest in public securities under the last preceding section, it shall be lawful for the Board to reserve and set apart for the purposes of any such investment any debentures to be issued on account of any loan for which the sanction of the Governor in Council shall have been obtained, provided that the

[1] This paragraph was substituted for the original paragraph by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 26, Vol. IV of this Code.

The original paragraph was as follows:—

"In this section 'public securities' means securities of the Government of India, Karáchi Municipal debentures and debentures and other securities issued by the Karáchi Harbour Board or by the Board."

[2] Vol. IV of this Code.

[3] Sections 69A and 69B were inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 27, Vol. IV of this Code.

intention to so reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(2) The issue of any such debentures direct to and in the name of "The Trustees of the Port of Karáchi" shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

Purchase, etc., by the Board of debentures issued by the Board not to operate to extinguish such debentures.

[1] **69B.** The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture issued by the Board shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

Validation of debentures heretofore issued, etc., in the name of the Board.

[1] **69C.** All the several debentures of the Board heretofore issued, transferred, assigned or endorsed in the name of the Board, as specified in Schedule E, and all debentures heretofore issued by way of renewal, consolidation, or sub-division of any of the said debentures shall be deemed to be and to have always been valid and negotiable in all respects and in the same manner as if the same had been issued against moneys borrowed from the Secretary of State or any other person.

VII.—Penalties.

Penalty for being interested in contracts with Board.

70. Any person who, being a trustee, or an officer or servant of the Board shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of, the Board, shall be deemed to have committed the offence made punishable by section 168 of the [2] Indian Penal Code.

XLV of 1860.

[3] Provided that nothing in this section shall apply to any person by reason only of his having any such share or interest as is described in clauses (*a*) to (*f*) of sub-section 2 of section 15.

XLV of 1860.

Penalty for obtaining illegal gratification.

71. Any person employed under this Act, not being a public servant within the meaning of section 21 of the [2] Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain from any person, for himself or for any other person, any gratification whatever other than legal remuneration, as a reward for doing, or forbearing to do, any official

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[1] Sections 69B and 69C were inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 27, Vol. IV of this Code.

[2] *See* the reprint of the Code as modified up to 1st April, 1903.

[3] This proviso was substituted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 28, Vol. IV of this Code.

act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service to any person with the Board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the [1] Indian Penal Code in the case of the like offence committed by a public servant. XLV of 1860.

Penalty for infringement of section 33, 34, 36 or 41.

72. Whoever infringes any order issued under section 33 or 34 or any condition prescribed under section 36 or 41 shall be punished with fine which may extend to one hundred rupees; and, if the infringement be continuing, with a further fine which may extend to one hundred rupees for every day such order or condition is infringed.

Penalty for refusing or neglecting to appear before an auditor of accounts, etc.

73. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 68, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

Penalty for understating quantity or weight of goods, etc.

74. If it be found, when goods are imported at, or exported from, any wharf, quay, stage, jetty or pier in the possession of the Board, that the [2][description], weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been, in the opinion of the Board, intentionally [2][misstated or] understated in any document presented to any officer of the Board for the purpose of enabling him to determine the tolls, dues, rates or charges payable in respect of the said goods or vessel, the consignee, in the case of goods imported, and the consignor in the case of goods exported, shall be liable to pay to the Board such sum not exceeding twice the proper tolls, dues, rates or charges on the [2][description], weight or quantity of goods or amount of tonnage so [2][misstated or] understated as may be determined by the Board; and the said sum shall, on the application of the Board, be recoverable under the warrant of a Magistrate as if it were a fine inflicted by such Magistrate.

Penalty for evading rates, etc.

75. Any person who removes, or attempts to remove, or abets, within the meaning of the [1] Indian Penal Code the removal of any goods, vessel, animal or vehicle with the intention of evading payment of the tolls, dues, XLV of 1860.

[1] *See* the reprint as modified up to 1st April, 1903.
[2] These words were inserted in s. 74 by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 29, Vol. IV of this Code.

rates or charges lawfully payable in respect thereof to the Board shall be punished with fine which may extend to fifty rupees.

Compensation for damage to property of Board.

76. In case any damage or mischief is done to any wharf, dock, quay, jetty, stage, pier or work constructed or acquired by the Board under this Act by any vessel, through the negligence of the master thereof or of any of the mariners or persons employed therein, not being in the service of the Board, any Magistrate of the first class having jurisdiction at Karáchi may, on the application of the Board, and on declaration by them that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owner of such vessel, requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief.

If, at the time appointed in the summons and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed two hundred rupees, the Magistrate may issue his warrant of distress, under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress, and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the Board out of the proceeds of the distress:

Provided that, if, at the time of the damage or mischief, the vessel was under the orders of a duly authorized officer belonging to the pilot service [1] [maintained by the Board under section 55] or to the Harbour Master's or Port Officer's department, [1] [and if such damage or mischief is in any way attributable to the order, act or improper omission of such officer], the case shall not be cognizable by the Magistrate under this section.

Cognizance of offences against Act.

77. Except, as is otherwise provided in sections 74 and 76, all offences against this Act or against any by-law made under section 56 shall be cognizable by a Magistrate.

All fines and damages recovered from any offender or by any distress under section 76 shall be paid to the Board.

Prosecutions.

78. Prosecution under this Act may be instituted by the Board or by any person authorized by them in this behalf, and not otherwise.

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[1] These words were inserted in the proviso to section 76 by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 30, Vol. IV of this Code.

VIII.—Control.

Government may order survey.

79. Government may at any time order a survey and examination of any work of the Board under this Act, or of the site thereof, and the cost of such survey or examination shall be borne and paid by the Board.

Government may carry out neglected works.

80. If the Board allow any work acquired or constructed by them under this Act to fall into disrepair, or do not complete any work commenced by them or duly estimated for and sanctioned, and do not, after notice given by Government in writing, proceed effectually to repair or complete such work to the satisfaction of Government, Government may cause such work to be restored, completed or constructed, and the cost thereof shall be borne and paid by the Board.

In default, Government may require Board to increase the rates

81. If it shall at any time appear to Government that sufficient provision is not being made by the Board to meet their liabilities, Government may require the Board, by an order in writing, to increase, subject to its sanction and to the provisions of section 43, to such extent and for such period as shall appear necessary, the tolls, dues, rates and charges or any of them for the time being in force under the said section.

and on Board's failing to do so, may itself increase them.

If, within fifteen days after receipt of such order, the Board do not comply with the same, Government may, by notification in the *Bombay Government Gazette* and in the *Sind Official Gazette*, increase the said tolls, dues, rates, charges, or any of them, and such notification shall have the same force as if a new scale to the same effect had been duly framed, sanctioned and published under section 43.

Government may revoke powers of Board.

82. If at any time the Government is satisfied that the purposes intended to be accomplished under this Act have not been and are not likely to be properly accomplished by the Board, the Government may, by notification in the *Bombay Government Gazette* and in the *Sind Official Gazette*, give notice that, unless within six months the Board take measures to the satisfaction of Government for properly accomplishing such purposes, the powers by this Act conferred on the Board will at the end of such period, be withdrawn and revoked.

On the expiration of the period aforesaid, Government may, if no such measures to its satisfaction have been taken by the Board, with the approval of the Governor General in Council, declare such powers to be withdrawn or revoked, and thereupon such powers shall be withdrawn and revoked accordingly, and all the powers, rights and authorities and all the property vested by this Act in the Board shall thereupon vest in Government.

IX.—Miscellaneous.

Saving of previous port regulations.

83. All acts done and proceedings taken by the Karáchi Harbour Board before this Act comes into force, and all orders, rules and regulations relating to the port and to wharves, quays, stages, jetties, piers and landing-places within the port made and issued before this Act comes into force, shall, whenever such acts, proceedings, orders, rules and regulations would have been lawful if this Act had been in force, be deemed to have been respectively done, taken, made and issued under the provisions of this Act.

Recovery of dues as fines under Code of Criminal Procedure.

84. All fees and sums due on account of property for the time being vested in the Board, and all arrears of tolls, charges, rates and dues imposed under this Act, may be recovered, in addition to the other modes hereinbefore provided, upon a summary proceeding before a Magistrate in the manner provided in the [1]Code of Criminal Procedure, 1882, for the recovery of fines.

X of 1882.

Trustees not personally liable.

85. No trustee shall be personally liable for any contract made or expense incurred by or on behalf of the Board; but the funds from time to time in the hands of the Board shall be liable for and chargeable with all contracts made in manner provided in this Act.

Trustees liable for breach of trust.

86. Every trustee shall be liable for any misapplication of money entrusted to the Board to which he has been a party, or which happens through or is facilitated by, the neglect of his duty.

Limitation of suits, etc.

87. No suit shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act, without giving to such person one month's previous notice in writing of the intended suit and of the cause thereof, nor after six months from the accrual of the cause of such suit;

and, in the cause of a suit for damages, if tender of sufficient amends shall have been made before the suit was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

Board not responsible for certain acts of their officers and servants.

88. The Board shall not be responsible for any misfeasance, malfeasance or nonfeasance of any officer or servant appointed under this Act;

nor if they should be appointed by Government under the [2] Indian Ports Act, 1889, conservators of the Port, for any misfeasance, malfeasance or nonfeasance of any Deputy Conservator, Port Officer or Harbour Master, or of any assistant or deputy of any such officer or of any person acting under

X of 1889.

[1] *See* now the Code of Criminal Procedure, 1898 (Act V of 1898), as modified up to 1st April, 1903.

[2] *See* the reprint of the Act as modified up to 1st April, 1901.

the authority or direction of or in subordination to any such officer, assistant or deputy;

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Board which may be used by such vessel:

Provided that nothing in this section shall protect the Board from a suit in respect of damage to, or loss of, goods landed or shipped by them or retained in their custody.

SCHEDULE A.

(*See Section 27.*)

PROPERTY VESTED IN THE BOARD.

I.—All the right, title and interest of the Secretary of State for India in Council in the following lands, buildings, workshops, piers, break-waters, groynes, embankments, bridge, light-house, signal-stations, jetty, quay, graving-dock and railway-lines, together with all the fittings and other appurtenances thereof (namely):—

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
I	Land at Manora occupied by Harbour Works' office, workshop, etc., together with the following buildings standing thereon (namely):—	Port Engineer, Karáchi.	On the north by plot No. III and the British India Steam Navigation Company's coal-shed and quarantine buildings. On the south by Persian Gulf telegraph ground and buildings. On the east by harbour. On the west by back-water and Mangrove swamp.	24	4,547
	Bungalows, with out-houses (supervisor's).	Do. . .	Kutcha pucka.		
	Harbour Works' office and peons' quarters.	Do. . .	Do.		

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
I—*contd.*	Bungalow, with out-houses (superintendent of machinery's).	Port Engineer, Karáchi.	Pucka.		
	Do. do. (clerks' and artificers').	Do. . .	Kutcha pucka.		
	Bungalow, with out-houses (supervisor and clerks')	Do. . .	Do.		
	Do. do. (accountants').	.....	Do.		
	Do. do. (cashier and draftsmen's).	Port Engineer, Karáchi.	Do.		
	Do. do. (overseers').	Do. . .	Do.		
	Workshop, chimney, smiths, and carpenters' sheds and engine-house.	Do. . .	Includes workshop, engine, machinery and fittings, two pucka and remainder kutcha.		
	Store-room and office.	Do. . .	Pucka.		
	Four lines for khalasis and maistry and boat-house.	Do. . .	Kutcha pucka.		
	Four store-godowns .	Do. . .	3 kutcha and 1 pucka.		
	Chauki for Harbour Works Police.	Do. . .	Pucka.		
	Quarters for engine-men.	Do. . .	Kutcha pucka.		
	Firewood compound.	Do. . .	Pucka.		
	Line for Harbour Works Police.	Do. . .	Do.		
	Bungalow, with out-houses (dredge engineer's).	.....	Kutcha pucka.		

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
I—*contd.*	Bungalow with out-houses (dredge engineer's).	Port Engineer, Karáchi.	Kutcha pucka.		
	(store-keeper's). Do. do. (time-keeper's).	Do. . .	Do.		
	Do. do. (supervisor's).	Do. . .	Pucka.		
	Tidal-instrument house.	Do. . .	Wood-work.		
II	Land occupied by Harbour Works' work-people's lines, together with the following buildings standing thereon, (namely) :—	Do. . .	On the north by plot No. I.	7	806
			On the south by native dealers' and contractors' lines.		
			On the east by open space and Persian Gulf telegraph premises.		
			On the west by No. 2 Battery.		
	Five lines for workmen.	Port Engineer, Karáchi.	Kutcha.		
	Five lines for carpenters and labourers.	Do. . .	Kutcha pucka.		
	Line for sweepers	Do. . .	Do.		
III	Land occupied by Harbour Works (Khalási lines).	Do. . .	On the north by British India Steam Navigation Company's coal-shed.	...	3,033
			On the south by plot No. 1.		
			On the east by harbour.		
			On the west by backwater and Mangrove swamp.		

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
IV	Land occupied by Harbour Works' quarry and reclaimed ground along shore between deep-water point and the shore end of the break-water, together with the following buildings standing thereon (namely):—	Port Engineer, Karáchi.	On the north by harbour and Port Department's ground. On the south by Manora break-water. On the east by harbour. On the west by plots Nos. V, VI and VII.	17	4,038
	Office and store-room of No. 1 Division with charging room.	Do. . .	Pucka.		
	Line for workmen .	Do. . .	Kutcha pucka.		
	Do. Pointsmen .	Do. . .	Do.		
	Bungalow, with out-houses (dredge store and time-keeper's).	Do. . .	Do.		
	Powder Magazine .	Do . . .	Pucka.		
V	Former site for Harbour Works, temporary jail, and new quarry.	Do. . .	On the north by plot No. 6. On the south by Mr. D. McIver's plot. On the east by plots Nos. IV and VII, and St. Paul's Church. On the west by the sea.	1	1,590
VI	Plot of ground, with Harbour Works' wells.	Do. . .	On the north by Captain Bishop's bungalow (formerly Lieutenant A. W. Stiffe's). On the south by plot No. V. On the east by plot No. IV. On the west by open space and the sea.	...	1,069

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
VII	Plot of ground, with Harbour Works' bungalow, together with the following buildings standing thereon (namely) :—	Port Engineer, Karáchi.	On the north by St. Paul's Church. On the south by open space and Hindu temple. On the east by plot No. IV. On the west by plot No. V.	...	3,499
	Harbour Works' bungalow and out-houses (Port Engineer's).	Do. . .	.....		
VIII	Land occupied by Port Department, together with the following buildings standing thereon (namely):—	Port Officer .	On the north by the Persian Gulf telegraph premises. On the south by plot No. IV and open space. On the east by harbour. On the west by cemetery.	19	856
	Bungalow, with out-houses (dredge foreman's).	Port Engineer, Karáchi.	Kutcha pucka.		
	Coal-shed (formerly boat-shed).	Port Officer .	Kutcha.		
	Godown at Manora .	Do. . .	Pucka.		
	Do. do. .	Do. . .	Do.		
	Boat-shed (formerly coal-shed).	Do. . .	Do.		
	Four lines for lascars and sweepers.	Do. . .	Do.		
	Water-reservoirs, with service tanks for Port Department.	Do. . .	Do.		
	Firewood compound, Port Department.	Do. . .	Do.		
	European school with latrines.	Do. . .	Do.		
	School mistress' quarters and out-houses.	Do. . .	Do.		
	Reading-room . .	Do. . .	Kutcha pucka.		

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres	Square yards.
IX	Land occupied by fort light-house, signal station, etc., together with the following buildings standing thereon (namely) :—	Port Officer .	On the north by plots Nos. X and XI. On the south by Manora break-water. On the east by harbour. On the west by the sea.	3	2,967
	Light-house and light lascars' quarters and bastion godown.	Do. . .	Pucka.		
	Fort and Port Officer's quarters and out-houses.	Do. . .	Kutcha pucka.		
	Peons' quarters at fort.	Do. . .	Do.		
X	Land occupied by out-houses near fort.	Do. . .	On the north by plot No. IV. On the south by plot No. IX. On the east by plot No. IV. On the west by plot No. XI.	...	4,501
XI	Land occupied by bungalow and out-houses, together with the following buildings standing thereon (namely) :—	Do. . .	On the north by open space and plot No. IV. On the south by plot No. IX. On the east by plot No. X. On the west by plot No. X and open space and the sea.	...	4,046
	Bungalow with out-houses and part of Master Attendant's quarters.	Do. . .	Kutcha.		

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XII	Land to the west of Napier Mole at its southern end, together with the following building standing thereon (namely) :—	Port Engineer, Karáchi.	On the north by new channel. On the south by plot No. XIV. On the east by China Creek back-waters. On the west by plot No. XIII.	2	941
	Workmen's quarters, late new channel office.	Do. . . .	Pucka.		
XIII	Land to the west of Napier Mole between Plot No. XII and the Commissariat premises, together with the following building standing thereon (namely) :—	Do. . .	On the north by new channel. On the south by plot No. XIV. On the east by plot No. XII. On the west by Commissariat yard.	4	1,408
	Office on ground occupied by Messrs. J. Cosser & Co.	Do. . .	Kutcha pucka.		
XIV	Land to the east of Napier Mole and former railway embankment.	Do. . .	On the north by plots Nos. XII and XIII. On the south by Andrew Road. On the east by China Creek back-waters. On the west by Customs-pier.	25	2,773
XV	Land to the east of Keamari Groyne.	Do. . .	On the north by North-Western Railway's Keamari station ground. On the south by sea. On the east by China Creek. On the west by Keamari Groyne and harbour.	61	3,028

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XVI	Merewether Pier shore Plots A, B, C, D, together with the following buildings standing thereon (namely):—	Port Officer .	On the north by plot No. XVII. On the south by railway sheds and pier. On the east by railway ground. On the west by Merewether Pier and harbour.	2	1,940
	Engine and boiler-house, chimney and accumulator tower.	Do. .	Pucka.		
	Office for Pier Master.	Do. .	Do.		
	Goods-shed . .	Do. .	Do.		
XVII	Land from Merewether Pier to Customs-pier, together with the following building standing thereon (namely):—	Do. .	On the north by Commissariat yard. On the south by plot No. XVI. On the east by plots Nos. XVIII and XIV. On the west by harbour.	1	3,710
	Wooden office near Customs-pier.	Do. .	Wood work.		
XVIII	Land for Merewether Pier establishment on which the following buildings stand (namely):—	Do. .	On the north by plot No. XIV. On the south by Andrew Road. On the east by open space. On the west by plot No. XVII.	1	3,180
	Pier Master's quarters and out-houses.	...	Pucka.		
	Quarters for Native establishment under Port Officer and Port Engineer.	...	Do.		

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XIX	Land to the east of Hindu temple at north end of Napier Mole bridge with the following building standing thereon (namely):—	Port Engineer, Karáchi.	On the north by open space covered at high-water. On the south by new channel. On the east by open space. On the west by Native jetty.	...	2,967
	Peons' quarters near Hindu temple.	Do.	Pucka.		
XX	Land for Harbour Works new quarry at Hands Hill, with the following buildings standing thereon (namely):—	Do	On the north by open space and hills. On the south by open space and old quarry. On the east by open space. On the west by do.	46	3,249
	Peons' quarters at Hands Hill.	Do.	Pucka.		
XXI	Land between China Creek embankment and the sea.	Do.	On the north by China Creek embankment. On the south by the sea. On the east by bare sand hills. On the west by sandy ridges.	90	769
XXII	Anemometer-house, Manora, with chaukidár's house adjoining.	Do.	On ridge of west bank Manora—Anemometer house, pucka; chaukidár's, kutcha	...	111
XXIII	Powder Magazine on Manora Point.	Port Officer	On the north by open space. On the south by No. 1 Battery. On the east by fort. On the west by the sea. Pucka.	...	99

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XXIV	Powder Magazine near quarantine buildings.	Port Officer .	On the north and south by sand crest running to Bhit Village. On the east by harbour. On the west by Fullah Creek. Pucka.	...	100
XXV	Bungalow with outhouses at Keamari.	Port Engineer, Karáchi.	On the north by North-Western Railway's station-ground. On the south by Keamari Groyne. On the east by open space. On the west by North-Western Railway's sheds. Kutcha pucka,	...	2,456
XXVI	Manora Backwater .	Do. .	Extends from Manora Point on the west side of the entrance in S. by E. ¼ east direction for a length of 1,503 feet.		
XXVII	Keamari Groyne .	Do.	Runs in a slight curve about S.S.E from west end of Keamari for a length of 7,548 feet.		
XXVIII	East pier. . .	Do.	An extension of the Groyne, total length 1,500 feet.		
XXIX	Napier Mole bridge .	Do. .	An iron bridge on screw piles with a masonry abutment at either end. Length 1,200 feet in 30 spans of 40 feet each.		

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general descriptions.	Approximate area.	
				Acres.	Square yards.
XXX	Native jetty and quay, together with the following buildings standing thereon (namely):—	Port Officer .	Extends westward from north end of Napier Mole bridge. The south wall is 1,400 feet in length.	5	
	Chauki and store-room at Native jetty.	Port Engineer, Karáchi.	Pucka.		
	Godown and Native jetty.	Port Officer .	Do.		
	Harbour Board office at Native jetty.	Do. .	Do.		
	Peons' quarter at jetty	Do. .	Do.		
	Goods-shed do. .	Do. .	Do.		
	Do. do. .	Do. .	Do.		
	Do. do. .	Do. .	Do.		
	Do. do. .	Do. .	Do.		
XXXI	China Creek stoppage embankment.	Port Engineer, Karáchi.	An embankment 2,780 feet long.		
XXXII	Stone shipping-pier at Manora.	Do. .	Situated at the northern limit of the plot of ground occupied by the office and work-shops.		
XXXIII	Workshops' pier at Manora.	Do. .	A wooden pier with fixed spur legs to lift twenty tons.		
XXXIV	Pilot-pier, Manora .	Port Officer .	Wooden pier.		
XXXV	Coal-pier at Manora .	Do. .			
XXXVI	Water-pier do. .	Do. .			
XXXVII	Pier at deep water point, Manora.	Port Engineer.	Called Humby Pier.		

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number of plots.	Name of property.	Heretofore in charge of—	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XXXVIII	Merewether Pier at Keamari.	Port Officer .	An iron screw-pile pier T-headed and with hydraulic cranes.		
XXXIX	Customs-pier at Keamari.	Do. .	Wooden pier.		
XL	Commissariat pier do.	Do. .			
XLI	Railway-lines at Manora and Keamari.	Port Engineer, Karáchi.			
XLII	Graving-dock at Manora.	Do. .			
XLIII	Layári Hard embankment and embankment in front of north wall of jetty.	Port Officer .			

II.—The following vessels and boats, together with all the fittings, gear and other appurtenances thereof (*viz.*) :—

Consecutive number.	Name and description.	Heretofore in charge of—
1	Steam tug "Manora," 441 tons, 250 horse-power, paddle wheel	Port Officer, Karáchi.
2	"Nurbudda," cutter, 70 tons	Do.
3	Warp boat No. 1	Do.
4	Do. No. 2	Do.
5	"Keddimari," anchor boat	Do.
6	"Rose," steam barge	Do.
7	"Flirt," steam launch	Do.
8	Bazar boat	Do.
9	Cargo boat	Do.

SCHEDULE A—*continued.*

Consecutive number.	Name and description.	Heretofore in charge of—
10	Boat, cutter	Port Officer, Karáchi.
11	Do.	Do.
12	Life-boat (White's)	Do.
13	Do.	Do.
14	"Jumbo," steam anchor hoy	Do.
15	Gig, 32 feet	Do.
16	Boat, 23 feet	Do.
17	Do.	Do.
18	Do.	Do.
19	Gig, small	Do.
20	Jolly-boat	Do.
21	"Billy," a crane barge	Port Engineer, Karáchi.
22	Boat, country, for surveying, 28 feet long	Do.
23	Do. do. 30½ feet long	Do.
24	Boat, anchor, 23¾ feet	Do.
25	Do. 24¾ feet	Do.
26	Do. 23 feet 9 inches	Do.
27	Do. 30 feet 6 inches	Do.
28	Life-boat, 27 feet	Do.
29	Do. 20 feet 9 inches	Do.
30	Boat, canoe, 23 feet 4 inches	Do.
31	Boat, cutter, 25 feet 3 inches	Do.
32	Jolly-boat, 18¾ feet	Do.
33	Do. 22 feet 5 inches	Do.
34	Do. 16 feet 8 inches	Do.

(*Schedule A.*)

SCHEDULE A—*continued.*

Consecutive number.	Name and description.	Heretofore in charge of—
35	Boat, gig, 25 feet 5 inches	Port Engineer, Karáchi.
36	Do. 20¾ feet	Do.
37	Boat, for diver's use, 30¼ feet	Do.
38	"Nearchus," steam dredger, 160 feet long, 65 horse-power nominal.	Do.
39	"Albuquerque," steam dredger, 160 feet long, 117 horse-power nominal.	Do.
40	"Dubba," steam dredger, 100 feet long, 25 horse-power nominal.	Do.
41	"Gizree," steam dredger, 100 feet long, 25 horse-power nominal.	Do.
42	"Sindi," steam hopper barge, 130 feet long, 50 horse-power nominal, to carry 400 tons.	Do.
43	"Baluchi," steam hopper barge, 130 feet long, 50 horse-power nominal, to carry 400 tons.	Do.
44	Sailing hopper barge, 90 feet, to carry 200 tons . . .	Do.
45	Hopper barge, under construction, 90 feet, to carry 200 tons .	Do.
46	Do. do. 90 feet, to carry 200 tons .	Do.
47	"Midge," steam launch, 28 feet long, No. 451, built by Mr. John Samuel White, Cowes.	Do.

III.—All other lands, buildings, harbour-works, railway-lines, machinery, plant, tools, furniture, vessels and boats, and other property whatsoever not hereinbefore particularly described, heretofore in the charge of the Port Officer of Karáchi, the Port Engineer of Karáchi, or of the Karáchi Harbour Board.

SCHEDULE B.

(*See section 28.*)

(*1*) *Loans raised by the Karáchi Harbour Board from the public with the sanction of the Governor General in Council and not yet discharged.*

Year in which taken up.	Amount taken up.	Rate of interest payable annually.
	Rs.	
Loan of 1880-81	2,29,000	5 per cent.
„ 1882-83 . . .	71,000	„
„ 1883-84 . . .	2,88,500	„

(*2*) *Loans promised by the Governor General of India in Council to the Karáchi Harbour Board, and which are in course of being taken up.*

Amounts of Loans.	Rate of interest payable annually.
(1) ₹ 7,11,500 (being ten lakhs, minus the amount of the loan of 1883-84 raised by the Board from the public).	4½ per cent.
(2) ₹ 15,50,000	„

SCHEDULE C.

(*See section 37.*)

Receipt for Goods by the Port Trust, Karáchi.

Landed, during the day of from the by the Port Trust, Karáchi, the noted in the margin ; contents and state of the contents unknown.

NOTE.—If there be any apparent injury, this is to be stated.

For the Board,

A. B.

The Karachi ; day of

SCHEDULE D.[1]

(*See section 28 A, sub-section 7.*)

Agreement between the Board and the Municipality.

An agreement made this the 18th day of January one thousand nine hundred and one between the Municipality of Karáchi of the one part and

[1] Schedule D was inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 31, Vol. IV of this Code.

SCHEDULE D—*continued.*

the Trustees of the Port of Karáchi of the other part, whereby it is agreed as follows :—

1. The Municipality of Karáchi (hereinafter called the Municipality) agrees to sell and the Trustees of the Port of Karáchi (hereinafter called the Trustees) agree to purchase at or for the price of Rs. (18,054-5-0) eighteen thousand and fifty-four and annas five only, to be paid as hereinafter mentioned, all that eight-inch water main now laid and extending from the Currie Reservoir to the Traveller's Bungalow at the junction of the Preedy and Bunder Roads and all the iron piping connections and all appurtenances to the said main belonging or appertaining thereto.

2. The Trustees shall lay a six-inch main from the point where the said eight-inch main terminates, joining up one with the other, and carry such six-inch main along the Bunder Road as far as the Merewether Clock Tower, then across the road into the Port Trust Import Yard along the cart road in front of the Platform Sheds, joining the Bunder Road after passing the Custom House on its south side and along the Napier Mole Road to any such point or points at Keamari as the Trustees may now or at any time hereafter deem necessary or expedient.

3. The Trustees shall be at liberty to open up all roads along which the said six-inch main is to be laid to such depth or width as may be reasonably necessary, provided always that any road or portion of road so opened up shall be closed and restored to its original condition as soon as the main has been laid, and provided, also, that the Trustees shall fence the roads so opened and take all the necessary precautions to avoid injury, etc., to passengers and vehicular traffic. The work of laying the main shall, when commenced, continue without interruption until completion.

4. The pipe shall, wherever practicable, be laid at such a depth below the surface of the road, that there shall be at least two feet of filling over every portion of the same.

5. During the construction of the main the Engineer to the Municipality shall at all times have access to the works for the purpose of satisfying the Municipality that the laying of the pipes is being satisfactorily carried out.

6. The Trustees shall pay to the Municipality the said sum of Rs. 18,054-5-0 herein agreed to be paid on the completion of the six-inch main and when the new 6-annas rate comes into force.

SCHEDULE D.—*continued.*

7. During the continuance of this agreement the whole of the said main from the Currie Reservoir to Keamari shall be the exclusive property of the Trustees, and the Trustees shall maintain and keep the same in proper repair and do all renewals and other works necessary for the proper upkeep of the line in such a manner that whenever, during the continuance of this agreement and under the terms thereof or when on the expiration of 30 years the line is taken over by the Municipality it shall be in a thoroughly good and satisfactory condition to fulfil at that time the functions for which it was originally laid. The Port Trust in fact agree to hand over the main in the same satisfactory condition as the Municipality would reasonably be expected to have maintained it had it been their own property. That in case of any dispute between the Municipality and the Port Trust as to the satisfactory condition of the pipes at the time they are taken over by the Municipality, the dispute shall be referred to the Commissioner in Sind for final decision.

8. The Trustees shall be at liberty at any time hereafter and from time to time, on giving one clear day's notice to the Municipality, to take up the road at any point between the Currie Reservoir and Keamari as may, in the opinion of their Engineer, be necessary for examining or repairing any pipe or joint, or for laying any branch pipes, the Trustees in all cases restoring the road to its original condition so soon as the work is completed.

9. So long as this agreement shall remain in force, the said main shall be used by the Trustees for the following purposes only, that is to say, for the work of the Port Trust and for the supply of water to ships and to Manora through the Trust, and no branches shall be taken from the said main for the supply of water to any person or persons or for any purpose except by the Trustees and for Port Trust purposes, or for the supply of water to the shipping and to Manora through the Port Trust, provided that if any time the supply of water by the Municipality at Keamari shall be found to be insufficient for Railway requirements, then water supplied to locomotives engaged on Port Trust work shall be considered as supplied for Port Trust purposes.

10. All water shall, on passing through the junction between the said eight-inch main and the said six-inch main, be measured by a meter to be supplied, fitted and maintained in proper working order by the Trustees, provided the said meter is off the main road. The said meter shall be of a pattern approved of jointly by the Port Trust and Municipal Engineers. In the event

SCHEDULE D—*continued.*

of either the Port Trust or the Municipality being uncertain as to the accuracy of the meter adopted, either party may put in a second meter on any portion of the six or eight-inch main in order to test the accuracy of the first. The meter to be kept under two independent locks and keys, so that neither the Port Trust nor the Municipal representative can inspect the meter independently.

11. The Trustees shall pay to the Municipality for all water as so measured by meter at the rate of six annas per one thousand (1,000) gallons; payment to accrue due on the 1st day of each calendar month and to be made as soon as the amount due shall have been determined.

12. The Trustees shall pay in addition to the said rate of six annas for one thousand (1,000) gallons, so long as the present temporary plague tax on water is chargeable to all other consumers, the plague tax of three annas per one thousand (1,000) gallons, and during the continuance of this agreement the Trustees shall be subject in the same way as all other sections of the community shall be subject to any special tax of like nature to the present plague tax that may be levied on all consumers of water under the sanction of the Local Government.

13. The valve communicating between the Currie Reservoir and the said main shall be always kept open, except when for the purposes of cleaning or repairing the Reservoir or for some similar purpose, or when it be necessary under extraordinary circumstances in the interests of the public to restrict the supply it be absolutely necessary that it be closed, but before so closing it the Municipality shall give at least 24 hours' notice to the Trustees of their intention so to do. In the event of any difference of opinion between the Port Trust and the Municipality as to whether it is necessary in the interests of the public to close the valve, the question shall be referred to the Commissioner in Sind, whose decision shall be final on the point, but the valve shall in such case not be closed until the Commissioner in Sind's decision is given.

14. During the continuance of this agreement the Municipality shall not make any connection or branch to or from any part of the said main, nor shall the Municipality do or suffer to be done anything whereby the said main or any part thereof shall be injured or exposed to injury or whereby the free flow of water from the Currie Reservoir (subject to the provision made in clause 13) into and through the whole length of the said main to Keamari shall be obstructed or in any way impeded.

15. This agreement shall, unless previously terminated as hereinafter

SCHEDULE D—*continued.*

provided, continue in force for the term of 30 years commencing from such date as the Trustees shall commence to use the said main for the purpose of drawing water therefrom at Keamari.

16. On the termination of this agreement by efflux of time the whole of the said main and all its appurtenances shall become the absolute property of the Municipality.

17. The Municipality may, at any time, by giving three months' notice in writing of its intention so to do, terminate this agreement and take over the whole of the said main with all its appurtenances on payment of its value at the time of taking it over. This value shall be calculated on the basis of provisions of clause 16 hereof, *i.e.*, the price to be paid shall bear the same proportion to the original cost of the main (*viz.*, the price under clause 1 and the cost of extension incurred under clause 2 hereof) as the unexpired portion of 30 years to 30 years.

18. So soon as the said main and its appurtenances have been taken over by the Municipality under the provisions herein contained, the Engineer to the Municipality and all necessary Assistants and workmen shall at all times have access to the Import Yard or other premises belonging to the Port Trust in or under which any portion of the said main shall be laid for the purpose of examining, repairing or doing any other necessary work in connection with the said main or any branches thereof. And it shall be lawful for the Municipality to make any branch connections that they may think necessary with the said main and for that purpose to open up the ground within the Port Trust premises in such places and to such depth and width as may be necessary: Provided always that it shall be lawful for the Trustees, at any time after the said main shall have been taken over as aforesaid at their own costs in all things, to remove from their premises such portion of the said main as shall be in or under their premises and relay the same in or under Municipal land, such relaying being carried out under the direction and to the satisfaction of the Engineer to the Municipality.

19. From and after the termination of this agreement, whether by the efflux of time or otherwise under the provisions herein contained, the Trustees shall pay the Municipality for water if they require to be supplied to them at such rates as shall mutually be agreed on or, failing this, as the Municipality with the sanction of the Local Government shall determine.

In Witness whereof the said Municipality by their President and two Municipal Commissioners have set their hands and seals to one part of these

SCHEDULE D—*concluded.*

presents, and the said Trustees by their Chairman and two of the said Trustees have set their hands and seals to another part of these presents, the day and year first above written.

Signed, sealed and delivered by

TEHILRAM KHEMCHAND,
President, Karáchi Municipality.

In the presence of

J. FORREST BRUNTON,
Secretary and Acting Engineer,
Karáchi Municipality.

Signed. sealed and delivered by

J. MCCLOGHRY,
Lieut.-Colonel, I.M.S.

In the presence of

BYRAMJEE FRAMJEE,
Head Clerk, P. M. O.'s Office.

Signed, sealed and delivered by

J. A. BELL, Major,
A. A. G., Sind District.

In the presence of

NIHALCHAND HOTECHAND,
Clerk, Municipal Office.

Signed, sealed and delivered by REGINALD POCOCK BARROW, Chairman of the Trustees of the Port of Karáchi, in the presence of

(Signed) R. P. BARROW.

S. H. ROZARE,
Acting Secretary, Karáchi Port Trust.

Signed, sealed and delivered by WILLIAM EDLIN YOUNG, Vice-Chairman of the Trustees of the Port of Karáchi, in the presence of

(Signed) W. E. YOUNG.

S. H. ROZARE,
Acting Secretary, Karáchi Port Trust.

Signed, sealed and delivered by Captain HUGH ALLAN CAMERON, R.E., Trustee of the Port of Karáchi, in the presence of

(Signed) H. A. CAMERON,
Captain, R.E.

S. H. ROZARE,
Acting Secretary, Karáchi Port Trust.

[1] SCHEDULE E.

(*See section 69C.*)

Of Bonds allotted from Karáchi Port Trust Second Issue of Loan of 13 Lákhs to Karáchi Port Trust Funds.

Particulars of Loans and Numbers of Debentures.	Number.	Amount.	Total.	Grand Total.
		Rs.	Rs.	Rs.
4 per cent. Karáchi Port Trust Debenture Loan (Rs. 10,93,500). 2nd Issue of Loan of 13 Lákhs for appliances and Harbour Works—				
Numbers 969 @ 973	5	5,000	25,000	
„ 974 @ 993	20	1,000	20,000	
„ 948, 994 @ 1003	11	500	5,500	
				50,500

THE PROTECTION OF PILGRIMS ACT, 1887.

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[1] Schedule E was inserted by the Karáchi Port Trust Act Amendment Act, 1902 (Bom. Act 2 of 1902), s. 31, Vol. IV of this Code.